

GOVERNANCE

Wahl Commission schedules public hearings

JP White

XXVI *Syllabus* 1, Winter 1995, p 2

Reports on the membership and charge of the Commission to Review the Substance and Process of the American Bar Association's Accreditation of American Law Schools. The Commission is chaired by Justice Rosalie E Wahl. The Commission's charge is summarised in the *Legal Education Digest* (vol 3 no 3). The article reports that deans have been asked for comments and views and that public hearings will be held. The Commission is to report by August 1995.

HISTORY

[no material in this edition]

INDIVIDUAL SUBJECTS/AREAS OF LAW

[no material in this edition]

INHOUSE CLE

[no material in this edition]

INSTITUTIONS & ORGANISATIONS

[no material in this edition]

JUDICIAL EDUCATION

Evaluating the impact of judicial education

L Armytage

4 *J Judicial Admin* 3, Feb 1995, pp 143-170

Evaluation is the process of assessing the value or worth of an educational endeavour, in terms of its effectiveness in accomplishing its goals or results. Evaluation serves two fundamentally different functions. The first is to provide institutional accountability or justification to external or sponsoring bodies. More recently evaluation has also become important in providing a learner-based method of assessing the personal worth of the individualised learning process.

In the domain of judicial education the provision of self-assessment is appropriate given the implications of judicial independence. However, evaluation must also provide the means to assess the value of judges' own continuing education on the systematic performance of the justice system.

Consequently the evaluation process will vary in accordance with the purpose being met. The purpose of the evaluation must be clarified before a methodology of evaluation is selected. Judicial education will only provide value if it serves the purpose of equipping individual judicial learners with the tools to monitor and critique their own progress. The ultimate purpose of the evaluation of judicial education is to assess the value of continuing education on the professional performance of judges and the systematic performance of the justice system.

Evaluation embodies the assessment of outcomes against objectives. Such assessment involves measurements within a framework of standards defined in terms of behavioural proficiencies. For evaluation of judicial education a hybrid of quantitative and qualitative techniques is required. Evaluation of judicial education programs is usually by observation of the formalised appeal process. The reluctance of judicial educators to evaluate judicial education is due to the independence of the judiciary. But, rather than abandoning the endeavour, they should be searching for a distinctive evaluation model appropriate for judicial education.

The evaluation of judicial education is often inadequate, inappropriate and of limited utility. A review of the evaluation practices used in the United States, Britain, New South Wales and Michigan leads to the conclusion that the prevailing practice is deficient in concentrating on participant-reaction process evaluation at the expense of providing direct assessment of outcomes for the purpose of external accountability. This is largely a result of the difficulties of selecting assessment criteria, data collection, shortages of resources, measurement impediments and a lack of methodological rigour.

The current evaluation processes fail to accommodate the distinctive requirement of the doctrine of judicial independence. It is therefore necessary to develop a distinctive evaluation model to assess the impact of judicial education. A model titled the Judicial Systematic Performance Model is postulated to provide judicial educators with the means to

assess and demonstrate the attainment of professional competence without infringing judicial independence.

LEGAL EDUCATION GENERALLY

[no material in this edition]

LEGAL ETHICS

[no material in this edition]

LEGAL PROFESSION

When the rot sets in: the disillusionment and dissatisfaction of young lawyers with the legal profession

S Raven & A Taylor

21 *Brief* (Journal of the Law Society of Western Australia) 5, June 1994, pp 6-10

Having joined the legal profession in the belief that it is special and respectable and might be reasonably lucrative, more and more lawyers seem to be becoming increasingly disheartened with the gulf that exists between the widely perceived and idealised life of being a lawyer and the reality of day-to-day life in and away from the office. The work which lawyers do is rarely stimulating and disputes that are real and complex to lawyers are, to the rest of society, inexplicable and irrelevant. To get an idea of how the legal profession feels, the authors spoke to a range of lawyers and ex-lawyers. As a result, this article is largely anecdotal.

The illusion of what it means to be a lawyer starts well before entering

legal practice, even before law school. The type of education received at law school bears no similarity to legal practice and a commonly held view is that legal education does not start until one commences practice. For instance, where at law school are law students taught that a lawyer must also be a manager, an administrator, an accountant, a secretary, a student, a teacher and a lawyer all in one?

It is undeniable that law, as a profession, is now an all-encompassing business and that what law schools therefore lack is reality. There is a conflict between the law student's original perception of law as a vocation and the solidifying reality of law as a business. Clients are uninterested in the law and want answers to their problems immediately. The client-centred approach means that lawyers devote more time to client-oriented activities, such as preparing detailed itemised accounts, attending lunches and seminars and preparing tender applications for new client - work which could be attended to through the employment of legal administrative assistants.

Too many lawyers say that their performance and value to their employer is judged solely by their ability to achieve billing targets. The situation is exacerbated by the lack of any feedback from partners and many young solicitors say they have no idea whether they are doing a good job or not. The idea of billing targets instils a sense of fierce competition between the solicitors in a firm, which destroys the possibility of the development of any team spirit. Many women complain that the firms are still run by the old boy network, where

females are subordinate to males and the best work goes to the boys.

In summary, the authors recommend that, if you dislike your area of practice, try another one. Partners should speak to their employees. Quit being a lawyer and do something else which uses your legal skills - many who were interviewed and are now working in corporate or government sector jobs enjoy going to work.

LIBRARIES & INFORMATION

[no material in this edition]

MANDATORY CLE

REVIEW ARTICLE:

Report to the Board of Governors on the evaluation and recommendations respecting MCLE for the D.C. Bar

Task Force on Mandatory Continuing Legal Education
M D Minsker (Chair), 1994

This review item is the report of a task force appointed to inquire into the feasibility of introducing a mandatory scheme of professional legal education (MCLE) for the District of Columbia Bar (USA) and devising the structure of the recommended scheme. It is noteworthy, not just because it traces the procedures followed, including the review of relevant literature and the collection of data, but also because it contains an excellent resumé of the main features of the dialogue about the worth of MCLE and its impact on lawyer competence. Of course, although many of these arguments